

# Minority and Women's Business Enterprises (M/WBE) Requirements

## Counting Participation by Certified Firms

A Minority Business Enterprise (MBE) is owned/operated by African Americans, Asians, Hispanics or Native Americans. A Women's Business Enterprise (WBE) is owned/operated by one or more women. A Minority Women Business Enterprise (MWBE) is owned/operated by one or more minority women. A Combination Business Enterprise (CBE) is owned/operated equally by a minority man and a nonminority woman.

The participation of an MBE will be counted totally toward meeting the MBE requirement, if any. The participation of a WBE will be counted totally toward meeting the WBE requirement, if any. The participation of an MWBE will be totally counted as an MBE or a WBE as declared by the bidder and may not be divided. The participation of a CBE will be divided equally; half will count as MBE participation, and half will count as WBE participation. (WAC 326-30-051 and 326-40-060)

## Award Procedures

When a requirement for the purchase of goods, services or equipment is awarded as a result of a competitive process and includes requirements for MBE and/or WBE participation, the award shall be determined using the following steps:

- A. All bidders meeting both M/WBE requirements established in the bid/quote document will be evaluated, and the lowest cost bidder (if within 5 percent of the lowest otherwise responsive bid/quote) will receive the award. (The "lowest otherwise responsive bid/quote" is the lowest bid/quote responsive to all specifications if MWBE participation is not considered.)
- B. If there are no bidders who meet both M/WBE requirements, the award shall be made to the bidder with the highest level of MBEs or WBEs participation within the maximum of 5 percent of the low otherwise responsive bidder. If two or more bidders have the same level of MBE or WBE participation, award shall be made to the lowest cost of these bidders.
- C. Where no bid/quote meets the criteria established above, the following provisions (per RCW 43.19.1911) may be utilized:
  1. Deem all bids/quotes non-responsive and negotiate with the lowest responsive bidder(s) which have the highest level(s) of participation and the lowest otherwise responsive bidder;
  2. Deem all bids/quotes non-responsive and re-bid/re-quote;
  3. Award to the lowest otherwise responsive bidder.

## Sanctions

After a contract has been awarded, if the MBE or WBE firm has been decertified by the Office of Minority and Women's Business Enterprises; or the MBE or WBE subcontractor or prime contractor is not performing contract requirements, then, in addition to legal remedies, the Purchaser\* reserves the right to:

- A. Terminate the contract at no additional cost to the Purchaser, by giving 60 days written notice;
- B. Allow the supplier to find a certified replacement subcontractor at no additional cost to the Purchaser; or
- C. If the change in the supplier's qualifications for certification is due to false or fraudulent information provided by the supplier, then the contract can be immediately terminated by the Purchaser at no additional cost to the Purchaser.

## Penalties

If the successful Supplier does not achieve the stated goals, the Purchaser may withhold payment, debar, suspend or terminate the contract and subject the Supplier to civil penalties of 10 percent of the amount of the contract or \$5,000 whichever is less. Willful, repeated violations, exceeding a single violation, may disqualify the Supplier from further participation in state contracts for a period of one year.

## M/WBE Supplier Lists

A directory of certified minority and women's business enterprises (M/WBE) may be obtained from the Office of Minority and Women's Business Enterprises at the requestor's expense. If you have access to Internet and WSDOT Home page, a current data base of OMWBE certified MWBE firms is available to you.

**Note:** As used throughout these special MWBE requirements, the term "Purchaser" is defined as the State of Washington, including agencies, institutions, colleges, and political subdivisions (Chapter 39.34 RCW).



## Minority and Women's Business Enterprises (M/WBE) Requirements

Bidder's Company Name	Quote
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The following M/WBE participation requirements have been established for this quotation:

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Minority Business Enterprises (MBEs) \_\_\_\_\_ **OR** Women's Business Enterprises (WBEs) \_\_\_\_\_

(M/WBE) participation is defined as: Certified MBEs and WBEs quoting as prime contractor or majority firms subcontracting/joint venturing with Certified M/WBEs.)

### Guarantee to be Completed by Bidder

By signature on the face of this quotation, bidder guarantees that if he/she is the successful bidder: (a) that the following certified MBE and/or WBE firm(s) will be utilized and compensated in the amounts shown below; (b) that the following MBE and/or WBE firm(s) will provide a "commercially useful function" in this transaction as defined in WAC 326-02-030(5); and (c) acknowledges that submitting false or fraudulent information or otherwise preventing, interfering or not complying with participation by the following MBE and/or WBE firms(s) may subject violator to penalties set forth in RCW 39.19.080 through 090 and WAC 326-02-040 and 050. For questions regarding commercially useful function, contact Office of Minority and Women's Business Enterprises at 360-753-9693. If no participation, please indicate so and provide a brief explanation.

MBE Firm Name	MBE Cert. No.*	Function to be Performed	Total \$ Amount or Percent of Participation

Signature of MBE Firm Owner \_\_\_\_\_

Total MBE Participation \$ \_\_\_\_\_

WBE Firm Name	WBE Cert. No.*	Function to be Performed	Total \$ Amount or Percent of Participation

Signature of WBE Firm Owner \_\_\_\_\_

Total WBE Participation \$ \_\_\_\_\_

\* Firm's certification number, as issued by the Office of Minority and Women's Business Enterprises (OMWBE), must be provided by MBE and/or WBE firms along with their signature. The successful bidder is responsible to notify the "Purchaser" of any change

Only those M/WBEs certified by the Office of Minority and Women's Business Enterprises (OMWBE) located in Olympia, Washington, shall be eligible for participation in this program.